

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)

W.P.No. of 2018

1. S. Jimraj Milton,
S/o. Sughirtharaj,
Advocate,
No. 150, Linghi Street,
Chennai - 600 001.
2. D. Paarventhan
S/o. Dhakshnamurthy,
1A, SMS Apartments,
Ganeshnagar 4th Street,
Teynampet,
Chennai - 600 018.
3. Paarventhan,
S/o. Govindasamy,
No. 29, Prof. sanjeevi Street,
Mylapore,
Chennai - 600 004.

...Petitioners

-Vs-

1. The Government of Tamil Nadu represented
By Home Secretary,
Secretariat, Fort St. George,
Chennai - 600 009
2. The Director General of Police,
Directorate of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai - 600 004
3. The District Collector,
Thoothukudi District,
Thoothukudi.
4. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
5. Mr. *W. Venkatesh*
Father Name Not Known
District Collector,
Thoothukudi District,
Thoothukudi.
6. Mr. *Mahendren*
Father name Not known
Superintendent of Police,
Thoothukudi District,
Thoothukudi.

...Respondents

1. I submit that I am the 1st Petitioner in this writ petition and I am well acquainted with the facts & circumstances of this case. I am authorized to file this affidavit for the other petitioners also. All the petitioners are seeking common prayer in this writ petition and hence we prayed that this Hon'ble Court may be pleased to file single writ petition and render justice.

1. I submit that we are the practicing Advocate of this Hon'ble Court and we are working with devoted to the cause of Human Rights in a Democratic Society. We espouse noble causes and one of the ways in which we try to vindictive such rights is by resort to Public Interest Litigation. We strongly believe in the rule of law and the wisdom of judiciary and the scope & jurisdiction for it to resolve vital issues affecting society at large. The primary focus in this Public Interest Litigation is in relation to destroying the human lives by the armed police henchmen by sniper shooting in a pre-planned & cold blood murder on 22.05.2018 which results more than 11 persons were dead.

2. I submit that the general public of the Thoothukudi city & nearby village has been protesting against the STERLITE factory which is manufacturing Copper for more than 15 years. They conducted many types of struggles, agitations, and hunger strikes to close down that factory. Unfortunately the state machineries did not hear properly voice of voiceless general public and failed to do the needful.

3. I submit that there are about thousand numbers of the people were affected by cancer and other chronic ailment by the said STERLITE Copper factory. The people in that locality felt that their life is at risk and hence they have no other alternative remedy other than protest. They protested for the past 99 days with a single demand to close the said factory. On 22.05.2018 which is the 100th day of their continuous protest, the struggle committee and the people in that locality decided to siege the Collector Office, Thoothukudi to advocate the importance of their demand. The said "Siege Struggle" is also propagating by the people for the two weeks, but the same also treated by the state machineries like 'stone fall in a well' in an unfortunate manner.

4. I submit that the state machineries not only to take action to settle that issue in an amicable manner but diverting the struggle by using conspiracy method. By this result on 20.05.2018 one Prof. fathima who is the active organizer of the Struggle Committee announced in the media by the influence of the State Machineries including the 3rd & 4th respondents as the "Siege Struggle" was modified. But the same was denied by the whole struggle committee & also the general public and it is further informed by the struggle Committee & General Public as the "Siege Struggle" will be done as per scheduled date i.e. 22.05.2018 before the Collector Office, Thoothukudi. For the aforesaid averments are clearly demonstrated that the State Machineries is not only acting as suspicious manner but also in plotted with ill target. Hence the general public are loose the confidence on the State Machineries.

day of their continuous protest, the struggle committee and the people in that locality decided to siege the Collector Office, Thoothukudi peacefully to raise the importance of their demand. The said "Siege Struggle" is also propagating by the people for the two weeks, but in an unfortunate manner the public call was also treated by the state machineries like 'stone fall in a well'.

5. I submit that the State Machineries instead of taking action to settle the issue in an amicable manner, they took actions to divert the struggle by using conspiracy methods. By this result on 20.05.2018 by the influence of the State Machineries including the 3rd & 4th respondents, one Mrs. Fathima who is one of the active organizers of the Struggle Committee announced in the media that the "Siege Struggle" was modified as 'one day Attention Seeking Struggle' in a ground. But this announcement of modification was denied by the whole struggle committee & also the general public and it is further informed by the struggle Committee & General Public that the "Siege Struggle" will be done as per scheduled date i.e, 22.05.2018 before the Collector Office, Thoothukudi. It is pertinent to note that the said Mrs. Fathima and others who conspired with the District Administration has been relieved from the struggle committee. The aforesaid averments clearly demonstrated that the State Machineries is not only acting as suspicious manner but also acted with ill motive. Hence the general public are loose the confidence on the District Administration.

6. I submit that in these circumstances, the "Siege Struggle" was started on 22.05.2018 in a peaceful manner. There were about-fifty thousand people participated in this struggle from various parts of Thoothukudi Districts. All the shops and establishments in Thoothukudi were closed down supporting the struggle. At this juncture it is notable that the general public including women, children and students organized as rally and moved towards the District Collectorate, Thoothukudi from various parts of Thoothukudi. Instead of permitting them to assemble before the District Collectorate peacefully, on the directions of the 5th & 6th respondent has provoked the general enmass by preventing them at various points and invoked lathi charge and thrown tear gas on the peaceful protestors. The Police not followed the mandatory procedures before invoking their firing. The visuals circulated in social

media and news channels clearly demonstrated that the Police not fired neither in self defense or to disburse the crowd. The civil dressed police persons stood on the top of police vehicles shoot the people in long range as hunters hunting animals.

7. It is submitted that on 22.05.2018 from the morning itself the police spread the false news in media that some persons are going to induce violence in the agitation. At last it was reported in the media that the District Collectorate, Thoothukudi was ransacked by the protestors and some persons were shot down in the firing. On viewing the media visuals, it is clearly notable that some police persons in civil dress had induced the violence. At this juncture, I want to bring to the notice of this Hon'ble Court that during the Marina Jallikattu Protest, similarly the police had set fire of the autos and two wheelers in order to blame the protestors as violent mob.

8. I submit that after the firing incident, the armed Police went to the Government Hospital and threatened the relatives of the deceased persons and captured the whole hospital area. Now in the Government Hospital no one was permitted inside. The Government authority conducting the post mortems of the corpus in hurried manner and wants to erase the evidence. The advocates who want to assist the relatives of the deceased persons also prevented from meeting them. The state machineries now doing illegal acts to show down the numbers of the deceased persons. Even though in the news reports it is reported that 12 persons were deceased in the police firing, the local people reporting that the alleged death may be around 20 persons.

9. I submit that I have no personal interest in the remedy set forth herein and I have not preferred any public interest litigation hither before for the relief as prayed herein. To my best of knowledge this is the first Public Interest Litigation pertaining to the aforesaid issue. The expenses of filing for the present litigation are originated from my own income. I am a PAN card holder bearing No.AJHPJ4891J. The information sworn by me is authoritative source in primary and secondary. I am fully aware that wherefrom the information sourced. I undertake to pay the cost if any order passed against me. I also seek permission of this Court to file additional affidavit if necessary.

It is therefore prayed that this Hon'ble Court may be pleased to grant an order of interim direction, appointing a team of private doctors to conduct the post mortem with video recording pending disposal of this writ petition and render justice.

It is therefore prayed that this Hon'ble Court may be pleased to grant an order of interim injunction, restraining the 3rd & 4th respondents by doing any acts in their official capacity in Thoothukudi District, with regard to the People's Struggle against Sterlite factory and Police Firing on 22.05.2018 at Thoothukudi, pending disposal of this writ petition and render justice.

It is therefore prayed that this Hon'ble Court may be pleased to grant an order of interim injunction restraining the Police from preventing the team of Advocates to conduct legal aid/fact finding at Thoothukudi & nearby affected villages with regard to the People's Struggle against Sterlite factory and Police Firing on 22.05.2018 at Thoothukudi, pending disposal of this writ petition and render justice.

It is therefore prayed that this Hon'ble Court may be pleased to grant an order of interim direction, to release all the arrested / illegally detained persons throughout the state on 22.05.2018 with regard to the People's Struggle against Sterlite factory and Police Firing on 22.05.2018 at Thoothukudi pending disposal of this writ petition and render justice.

It is therefore prayed that this Hon'ble Court may be pleased to hold an enquiry by the Principal District & Sessions Judge, Thoothukudi with regard to Sniper shooting by the civil dressed police and direct the 1st & 2nd respondents to take appropriate action by prosecuting the errred officials including the 3rd & 4th respondents who ordered for the police shooting using Sniper trained Police and further direct the 1st respondent to pay the compensation to the relatives of deceased persons and injured & affected persons with regard to the People's Struggle against Sterlite factory and Police Firing on 22.05.2018 at Thoothukudi and thus render justice.

Solemnly affirmed at
Chennai on this the
23rd day of May 1, 2018 and
signed his name in my presence.

BEFORE ME

ADVOCATE ::CHENNAI

The address for Service of all notices and processes on the Respondent is as stated above.

For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue a WRIT OF MANDAMUS or any other appropriate Writ or order or direction in the nature of Writ under Article 226 of the Constitution of India to hold an enquiry by the Principal District & Sessions Judge, Thoothukudi with regard to Sniper shooting by the civil dressed police and direct the 1st & 2nd respondents to take appropriate action by prosecuting the erred officials including the 3rd & 4th respondents who ordered for the police shooting using Sniper trained Police and further direct the 1st respondent to pay the compensation to the relatives of deceased persons and injured & affected persons with regard to the People's Struggle against Sterlite Factory and Police Firing on 22.05.2018 at Thoothukudi and and pass such further or other orders that may be deemed necessary under the circumstances of the case and thus render justice.

DATED AT CHENNAI I ON THIS 24TH DAY OF APRIL, 2018

COUNSEL FOR THE PETITIONERS